

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDMOUND CALLOWAY,	:	
Plaintiff,	:	
v.	:	Case No. 3:08-cv-257-KRG-KAP
DENNY DiPAOLA, KEN PLUMMER,	:	
and GREG HEIDLER,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 25, 2011, docket no. 72, recommending that summary judgment be granted in part to defendants on defendants' motion, docket no. 53, and that plaintiff's cross motion, docket no. 50, be denied.

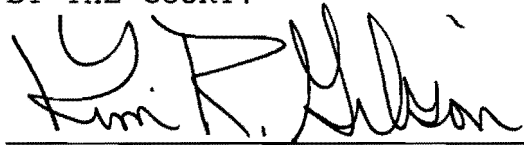
The parties were notified pursuant to 28 U.S.C. § 636(b)(1), that they had fourteen days to file written objections to the Report and Recommendation. No one filed objections and the time to do so has expired.

Upon review of the record of this matter, the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 25<sup>th</sup> day of March, 2011, it is

ORDERED that defendants' motion for summary judgment, docket no. 53, is granted in part, and plaintiff's cross motion for summary judgment, docket no. 50, is denied. Judgment is ordered in favor of defendants Heidler and Plummer, and they are dismissed from this action. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Edmound Calloway CZ-1154  
S.C.I. Somerset  
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Somerset, PA 15510